

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Insert Plaintiff name

Plaintiff,

V.

ROBERT J. POWELL,
MICHAEL T. CONAHAN,
MARK A. CIAVARELLA,
PA CHILD CARE, LLC,
WESTERN PA CHILD CARE, LLC,
ROBERT K. MERICLE,
MERICLE CONSTRUCTION, INC.,
GREGORY ZAPPALA,
PINNACLE GROUP OF JUPITER, LLC,
BARBARA CONAHAN,
CYNTHIA CIAVARELLA,
BEVERAGE MARKETING OF PA, INC.,
VISION HOLDINGS, LLC,
ROBERT A. MATTA, ESQUIRE,
MID ATLANTIC YOUTH SERVICES
CORP,
POWELL LAW GROUP, P.C.,
SANDRA BRULO,
FRANK VITA, Ph.D.,
COUNTY OF LUZERNE and

CIVIL ACTION NO.
3:09-cv-0286

(JUDGE CAPUTO)

PERSEUS HOUSE, Inc., d/b/a :
ANDROMEDA HOUSE :
Defendants. :

**PROPOSED ABBREVIATED INDIVIDUAL CIVIL ACTION
COMPLAINT- SHORT FORM FOR LUZERNE COUNTY LITIGATION
AND ADOPTION BY REFERENCE**

1. Plaintiff for his/her claims against Defendants states and alleges as follows and incorporates by reference relevant portions of the Master Long Form Complaint in Wallace, et al v. Powell, et al. 09-0286. Plaintiff selects and indicates by checking off appropriate boxes those claims that are specific to his or her case.

2. Plaintiff, (full name) , brings this action:

___ on behalf of him or herself;

___ as the parent and natural guardian of (minor's name), a minor, born on (date of birth of minor); or

___ As guardian of next friend of (minor's name), a minor, born on (date of birth of minor)

3. Plaintiff is an individual who resides at (address) ,
Pennsylvania.

4. The name of the juvenile who appeared before Judge CIAVARELLA between 2003 and 2008 is (juvenile name).

5. Plaintiff claims damages as a result of:

___ RICO violations;

- ___ Conspiracy to commit RICO violations;
- ___ Procedural Due Process violations under 42 U.S.C. § 1983;
- ___ Substantive Due Process violations under 42 U.S.C. § 1983;
- ___ Civil Conspiracy;
- ___ False Imprisonment.

6. In (date), (child's name) (if an adult now, add language "then a minor") appeared before Defendant CIAVARELLA in Luzerne County Juvenile Court for an adjudication hearing.

7. At no time prior to or during (child's name)'s adjudication hearing was it disclosed that Defendants CIAVARELLA and/or CONAHAN had any conflict of interest, or that they had a financial interest in Defendants PACC and/or WPACC or that Defendants CONAHAN and/or CIAVARELLA agreed to place children in Defendants PACC and/or WPACC.

8. As a result of the hearing, (child's name) was ordered to have a psychological evaluation by Defendant VITA.

9. As a result of the order for detention and/or psychological evaluation, (child's name) was detained, lodged and/or incarcerated in:

- ___ PA Child Care, LLC;
- ___ Western Pa Child Care, LLC; and/or
- ___ Perseus House

10. Plaintiff (adult name and child's name if over 18) was required to pay for (child's name)'s detention, lodging and/or incarceration in Defendants PACC and/or WPACC facilities.

11. The following claims asserted in the Master Long Form Complaint and the allegations with regard thereto in the Master Complaint are hereby adopted by reference:

- ___ Count I: Violation of RICO, 18 U.S.C. § 1961, et seq.
- ___ Count II: Conspiracy to Violate RICO
- ___ Count III: Deprivation of Substantive and Procedural Due Process Rights Pursuant to the Civil Right Act of 1871, 42 U.S.C. § 1983
- ___ Count IV: Deprivation of Rights Pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983
- ___ Count V: Deprivation of Substantive Due Process Rights Pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983
- ___ Count VI: Deprivation of Substantive and Procedural Due Process Rights Pursuant to the Civil Right Act of 1871, 42 U.S.C. § 1983
- ___ Count VII: Deprivation of Rights Pursuant to the Civil Rights Act of 1871, 42 U.S.C. § 1983
- ___ Count VIII: Civil Conspiracy
- ___ Count IX: False Imprisonment
- ___ Count X: State Action for False Imprisonment, Unlawful Restraint, Medical Malpractice and Battery

12. The following damages asserted in the Master Long Form Complaint and the allegations with regard thereto in the Master Complaint are herein adopted by reference:

- _____ Wages garnished, public assistance monies taken, social security benefits seized, and were otherwise forced to pay for the wrongful incarceration of the juvenile offenders, in addition to injuries to their business and property.
- _____ Physical and personal injuries, pecuniary harm and damages, emotional distress, mental anguish and/or loss of the value of constitutional rights to Plaintiffs some or all of which may be permanent in nature.
- _____ Pecuniary harm, deprivation of property, and incurred damages for the placement, housing and lodging of their children at the juvenile detention facilities owned by Defendants PACC and/or WPACC.
- _____ physical and personal injuries, emotional distress and/or mental anguish, some or all of which may be permanent in nature.
- _____ Parent Plaintiffs loss of property rights and deprivation of right to familial integrity and wages garnished, public assistance monies taken, social security benefits seized, and were otherwise forced to pay for the wrongful incarceration of the juvenile offenders, in addition to injuries to their business and property. Juvenile Plaintiffs being unlawfully detained at either PACC or WPACC and physical and personal injuries, emotional distress and/or mental anguish, some or all of which may be permanent in nature. in addition to the unlawful detention.

CAROSELLI BEACHLER MCTIERNAN
& CONBOY

By: /s/ William R. Caroselli

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DATE:

ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FLORENCE WALLACE, ET AL.	:	CONSOLIDATED TO:
	:	
Plaintiffs,	:	CIVIL ACTION NO. 3:09-cv-0286
	:	
v.	:	
	:	(JUDGE CAPUTO)
ROBERT J. POWELL, ET AL.	:	
	:	
Defendants.	:	

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM CONWAY, ET AL.	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 3:09-cv-0291
	:	
v.	:	
	:	(JUDGE CAPUTO)
JUDGE MICHAEL T. CONAHAN,	:	
ET AL.	:	
	:	
Defendants.	:	

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

H.T., ET AL.	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 3:09-cv-0357
	:	
v.	:	
	:	(JUDGE CAPUTO)
MARK A. CIAVARELLA, ET AL.	:	
	:	

Defendants. :

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMANTHA HUMANIK,	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 3:09-cv-0630
	:	
v.	:	
	:	(JUDGE CAPUTO)
MARK A. CIAVARELLA, JR.,	:	
ET AL.	:	
	:	
Defendants.	:	

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CERTIFICATION OF SERVICE

I, David S. Senoff, Esquire do hereby certify that a true and correct copy of the Proposed Abbreviated Individual Civil Action Complaint- Short Form For Luzerne County Litigation And Adoption By Reference Complaint was filed electronically on June 25, 2009, and is available for viewing and downloading from the ECF system for the United States District Court for the Middle District of Pennsylvania. Plaintiffs also mailed a copy of the Individual Plaintiffs' Master Long Form Complaint via Certified Mail to:

Mark A. Ciavarella
585 Rutter Ave
Kingston, PA 18704

Robert E. Matta, Esquire
21 Radio Station Road
Shenandoah, PA 17976

County of Luzerne
200 North River Street
Wilkes-Barre, PA 18711

CAROSELLI BEACHLER MCTIERNAN
& CONBOY

By: /s/ David S. Senoff

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